

04-14-05

DHE
JW

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CAR191/106438

First named inventor: HUXEL, Edward T.

Application No.: 10/047,579

Art Unit: 1761

Filed: 1/15/2002

Examiner: BECKER, Drew

Title: COATED FLAKED FATS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1700.00.

☐ has been paid previously on _____.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/15/2005 AMNDADF1 00000005 10047579

1500.00 0P

01 FC:1453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

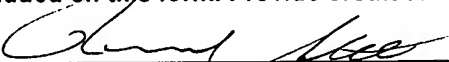
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u></u>	<u>4-13-05</u>
Signature	Date
<u>Richard P. Stitt</u>	<u>35,693</u>
Typed or printed name	Registration Number, if applicable
<u>120 W. 12th Street</u>	<u>816-421-3355</u>
Address	Telephone Number
<u>Kansas City, MO 64105</u>	
Address	

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Issue Fee Transmittal

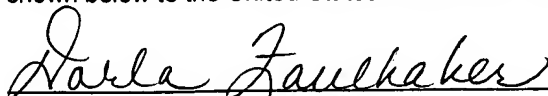
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being: EXPRESS mail

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class mail~~ in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

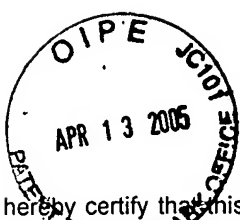
☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

4/13/05
Date


Signature

Darla Faulhaber

Typed or printed name of person signing certificate



I hereby certify that this paper (along with any referred to as being attached or enclosed) is being mailed by Express Mail to MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

4/13/05
Date

Darla Faulhaber
Darla Faulhaber

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: HUXEL, Edward T.)	
)	
Inventor: HUXEL, Edward T.)	Group Art Unit: 1761
)	
Serial Number: 10/047,579)	Examiner: BECKER, Drew
)	
Filed: 1/15/2002)	Attorney Docket: CAR191/106438
)	
Title: COATED FLAKED FATS)	

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EXPRESS MAIL
LABEL NO. EV302032619US

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

Sir:

The above-identified patent application was abandoned for failure to pay the Issue Fee by the due date of March 28, 2005. Applicant believes the Petition to Revive is justifiable as an unintentionally abandoned application for the following reasons:

1. Applicant timely submitted its Issue Fee transmittal on March 25, 2005 by placing it in a postage paid envelope addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, **Arlington**, VA 22313-1450; (Photocopy of Postage Stamped Envelope (Exhibit A.))

U.S. Serial No.: 10/047,579
Inventor: HUXEL, Edward T.

2. The envelope was returned as undeliverable due to an incorrect address of Arlington, VA instead of Alexandria, VA.

Reconsideration of the application respectfully is requested. Petitioner has enclosed a Petition Fee of \$1500 along with the Issue Fee of \$1700. The Commissioner is hereby authorized to charge any deficiency in the fees to Deposit Account No. 12-1660.

If some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,

Dated: 4-13-05



Richard P. Stitt
Reg. No. 35,693
SHUGHART THOMSON & KILROY P.C.
120 West 12th St.
Kansas City, MO 64105

ATTORNEYS FOR APPLICANT

APR 13 2005

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

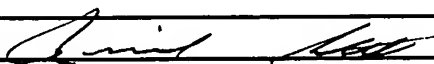
Application Number	10/047,579
Filing Date	1/15/2002
First Named Inventor	HUXEL, Edward T.
Art Unit	1761
Examiner Name	BECKER, Drew E.
Attorney Docket Number	CAR191/106438

ENCLOSURES (Check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input type="checkbox"/> Other Enclosure(s) (please identify below): |
|--|---|--|

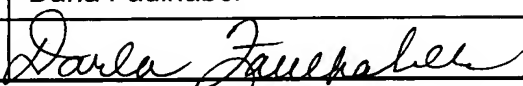
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard P. Stitt
Signature	
Date	April 13, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Darla Faulhaber		
Signature		Date	4/13/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



A Professional Corporation
Twelve Wyandotte Plaza
120 West 12th Street
Kansas City, Missouri 64105-1929

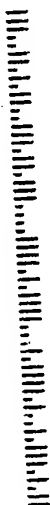
FIRST CLASS MAIL



MAIL STOP ISSUE FEE
COMMISSIONER FOR
PATENTS
P O BOX 1450
ARLINGTON, NIXIE

2026 1 11 04/04/05

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD
RETURN TO SENDER



Dr. 1/3 E



MARK 25
US POST
FIRST CLASS
MAILED FROM
048J00850X

